

App. No.: 10/676,941  
Response filed July 22, 2008  
Restriction Requirement dated June 23, 2008

### **REMARKS**

In response to the Restriction Requirement mailed June 23, 2008, Applicant elects herewith prosecution on the merits with regard to claims 23-45 which are drawn to defining a transmission rate greater than an average rate.


Applicant submits that no fees are required for entry of this Response to Restriction Requirement; however, if any fees are deemed necessary, the Commissioner is authorized to charge the requisite fee to Deposit Account No. 03-1550.

Respectfully submitted,

CHERNOFF, VILHAUER, McCLUNG & STENZEL

Dated: July 22, 2008

By

  
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### **CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on July 22, 2008.

Dated: July 22, 2008

  
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Kevin L. Russell